By this Amendment, Applicant has amended the specification and claim 36 to improve form and has added new claims 46-55. Applicant respectfully traverses the Examiner's rejections under 35 U.S.C. §§ 102 and 103.

Applicant would like to thank Examiner Le and Primary Examiner Amsbury for the courtesies extended during the telephone interview that took place on February 5, 2001. In the interview, the Examiners indicated that further investigation would be required to necessarily conclude that the Ishikawa et al. patent is not prior art under any part of 35 U.S.C. § 102, as argued by Applicant. Examiner Le also indicated that the enclosed change to claim 36 appears to overcome the prior art rejection of record.

The Examiner rejected pending claims 18, 25, 28, and 38-45 under 35 U.S.C. § 102(a) as allegedly anticipated by Ishikawa et al. Applicant respectfully submits that Ishikawa et al. is not prior art under 35 U.S.C. § 102(a). 35 U.S.C. § 102(a) prohibits an Applicant from obtaining a patent if the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the Applicant for patent.

In this case, Applicant has claimed priority to the corresponding U.S. Provisional Application, Serial No. 60/035,205, filed January 10, 1997. MPEP 201.11 states that an application for patent is entitled to the benefit of the filing date of a prior provisional application if four conditions are met: (1) the later application must be an application for a patent for an invention which is also disclosed in the prior application; (2) the later application must be copending with the prior application; (3) the later application must contain a specific reference to the prior application in the specification; and (4), the later application must be filed by an inventor or inventors named in the prior application.

Applicant respectfully submit that the present application (09/004,827) is entitled to the

benefit of the filing date of the earlier provisional application (60/035,205). With regard to the first condition, the invention recited in independent claims 18, 25, 28, 44, and 45 of the present application finds proper support at pages 2-4 of Appendix A in the provisional application, thereby satisfying the same invention requirement. With regard to the second condition, the present application was filed on January 9, 1998, within 12 months of the January 10, 1997, date on which the provisional application was filed, thereby satisfying the copendency requirement. With regard to the third condition, the present application contains a specific reference to the provisional application at lines 9-12 of page 1 of the specification, thereby satisfying the reference to the prior application requirement. With regard to the fourth condition, the present application and the provisional application contain the same inventor (i.e., Lawrence Page), thereby satisfying the common inventor requirement.

In view of the foregoing, Applicant respectfully submits that the present invention is properly entitled to the benefit of the January 10, 1997, filing date of the provisional application. As a result, the Ishikawa et al. patent is not prior art under 35 U.S.C. § 102(a). The only evidence of knowledge or use in this country is the filing date of the Ishikawa et al. patent, which is May 22, 1997 (after the January 10, 1997, effective filing date of the present application). The Ishikawa et al. patent claims a foreign priority date of May 22, 1996, based on an application filed in Japan. The publication of this Japanese application would not have occurred, however, until eighteen months after its filing date, or November 1997, which is also after the January 10, 1997, effective filing date of the present application. Therefore, Ishikawa et al. is not prior art under 35 U.S.C. § 102(a).

Not only is the Ishikawa et al. patent not prior art under 35 U.S.C. § 102(a), but it is also not prior art under the other parts of 35 U.S.C. § 102. For example, 35 U.S.C. § 102(b) is directed to activity in this country more than one year before Applicant's filing date; 35 U.S.C. §

102(c) and (d) are respectively directed to evidence of abandonment and prior foreign patenting of the invention; 35 U.S.C. § 102(e) is directed to the filing of a patent application, describing the invention, in this country before the invention by the Applicant (MPEP 2136.03 specifically states that a reference's foreign priority date under 35 U.S.C. § 119(a)-(d) cannot be used as the 35 U.S.C. § 102(e) reference date); 35 U.S.C. § 102(f) is directed to evidence of derivation; and 35 U.S.C. § 102(g) is directed to evidence of another's activity in this country before Applicant's filing date.

Because the Ishikawa et al. reference is not prior art under any part of 35 U.S.C. § 102, the Ishikawa et al. reference cannot be considered prior art under 35 U.S.C. § 103(a). The Examiner rejected claims 19-24 under 35 U.S.C. § 103(a) based at least in part on the Ishikawa et al. patent. Because Ishikawa et al. is not prior art, Applicant respectfully submits that the rejection of claims 19-24 should be withdrawn.

In rejecting the claims, the Examiner presents a number of interpretations of the Ishikawa et al. patent and asserts that certain claimed subject matter is "well known." In view of the above discussion, Applicant submits that addressing these interpretations and assertions at this time is unnecessary, but reserves the right to address them at a later time should they become relevant. Also, should the "well known" assertions become relevant, Applicant requests that the Examiner provide documentation that support the assertions.

The Examiner also rejected claims 36 and 37 under 35 U.S.C. § 103(a) as allegedly unpatentable over Applicant's allegedly admitted prior art in view of Egger et al. Applicant respectfully traverses this rejection.

Independent claim 36 recites a combination of features for ranking a plurality of linked documents. The combination includes automatically performing a random traversal of a plurality of linked documents, wherein performing a random traversal includes selecting a

random link to traverse in a current linked document; for each linked document that is traversed, assigning a rank to the linked document that is dependent on the number of times the linked document has been traversed; and processing the plurality of linked documents according to their rank.

The allegedly admitted prior art does not disclose or suggest this claimed combination. Among other things, the allegedly admitted prior art does not disclose or suggest automatically performing a random traversal of a plurality of linked documents, where the random traversal includes selecting a random link to traverse in a current linked document and, for each linked document that is traversed, assigning a rank to the linked document that is dependent on the number of times the linked document has been traversed.

In the telephone conference of February 5, 2001, the Examiner verbally agreed that the allegedly admitted prior art does not disclose or suggest "automatically performing a random traversal of a plurality of linked documents," as recited in amended claim 36. Therefore, claim 36 is patentable over the allegedly admitted prior art and Egger et al., whether taken alone or in any reasonable combination. Claim 37, which depends from claim 36, is patentable over the allegedly admitted prior art and Egger et al. for at least the reasons given with regard to claim 36.

New claims 46-55 recite various features of the present invention. These claims all depend upon independent claim 18. Applicant submits that these dependent claims are patentable over the prior art of record for at least the reasons given with regard to claim 18.

In view of the foregoing amendments and remarks, Applicant respectfully requests the Examiner's reconsideration of the application and the timely allowance of pending claims 18-25, 28, and 36-55.

To the extent necessary, a petition for an extension of time under 35 C.F.R. 1.136 is

hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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